

Sec. 2. And it is further enacted, That the sum of \$3,000 dollars be, and the same is hereby appropriated for pay of commission, warrant, and petty offices and seamen, including the engineers corps of the navy, for the year ending the 1st day of June, 1860.

Sec. 3. And it is further enacted, That persons in the navy of the United States shall be entitled to fixed paymasters, and that all laws and regulations applying to them as masters, and all responsibilities and obligations attaching to them as such, shall remain in full force and continue to apply to them, under the title of paymasters, and that the payments heretofore made to the paymaster clerks at the navy yards at Charlestown, New York, and Norfolk, under appropriations made by Congress, at the rate of 700 dollars per annum, are hereby discontinued; and that the pay of the paymaster clerks at those yards may be continued at the rate of 700 dollars per annum.

Sec. 4. And it is further enacted, That the sum of 10,000 dollars be, and the same is hereby appropriated, to enable the President to send some competent person or persons to the kingdom of China, whose duty it shall be to examine into and report upon the quality and probable quantity of coal to be found there, quantity lands of the Chinese Improvement Company, open the character of the waters of Canton, Loochow, and Goldoo, upon the practicability of building a railroad across said kingdom, so as to connect said harbors; and generally upon the value of the privileges contracted for in a conditional contract made on the 21st day of May, 1859, between Isaac Toussier, the Secretary of the Navy of the United States, and Amos W. Thompson, and the Chinese Improvement Company. *Provided*, That nothing herein contained shall be construed as a ratification of the said contract.

Approved, June 22, 1860.

Cite CLXXXV.—An Act to carry into effect Provisions of the treaties between the United States, China, Japan, Korea, and other countries, to give certain rights to the United States in certain countries, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That to carry into effect the provisions of the treaties of the United States with the empires of China, Japan, and Korea, respectively, the minister and the consuls of the United States duly appointed to reside in each of the said countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of said treaties, respectively, be invested with the judicial authority herein described, which shall extend to the said office of minister and consul, and a part of the duties belonging thereto, wherein the same is allowed by treaty.

Sec. 2. And it is further enacted, That in regard to crimes and misdemeanors, the said public functionaries are hereby fully empowered to inquire and try, in the manner herein provided, all citizens of the United States charged with offenses against law, which shall be committed in such countries, respectively, and, upon conviction to sentence such offenders in the manner herein authorized; and the said functionaries, and each of them, are hereby authorized, to issue all such processes as are suitable and necessary to carry this authority into execution.

Sec. 3. And it is further enacted, That in rights, whether of property or person, the said functionaries are hereby invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, and shall entertain jurisdiction in matters of contract at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed; and in all other matters at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, any such port above-named being always one of the ports at which the United States are represented by consuls; which jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

Sec. 4. And it is further enacted, That jurisdiction in criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as necessary to execute such treaties, respectively, extended over all citizens of the United States in the said countries, and over all others to the extent that the terms of the said treaties, respectively, justify or require, so far as such laws are available, to carry the said treaties into effect; but in all cases where such laws are adapted to the object or intent in the provision necessary to furnish suitable remedies, the common law, including equity and admiralty, shall be applied over such countries and others in the said countries, and, if defects still remain to be supplied, and neither the common law, including equity or admiralty, nor the statutes of the United States, furnish appropriate and suitable remedies, the ministers in the said countries, respectively, shall, by decree and regulations which shall have the force of law, supply such defects and deficiencies.

Sec. 5. And it is further enacted, That in order to regulate and carry into effect the system of jurisdictions demanded by such treaties, respectively, the said ministers, with the advice of the several courts in each of the said countries, respectively, or as many of them as can be conveniently assembled, shall prescribe the forms of all processes which shall be issued by any of said courts; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the forms of oaths for Christian witnesses, and the mode of examining all other witnesses; the fees which shall be allowed to the prevailing party, and the fees which shall be paid for judicial services to defray necessary expenses; the manner in which all officers and agents to execute process and to carry this set of rules into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appears from the decision of a court; and generally, without further enumeration, to make all such decrees and regulations from time to time, under the provisions of this act, as the exigencies may demand; and all such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as above provided, for the advice of the court, or as many of them as can be committed without prejudicial delay, and, in writing, with his name subscribed thereto; and after taking such advice, and considering the same, the minister, in the said countries, respectively, may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it to become binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereof named in the act.

Sec. 6. And it is further enacted, That all such regular orders and decrees, shall, as speedily as may be after publication, be transmitted by the said ministers, with the opinion of their advisers, as drawn up by them severally, to the Secretary of State to be laid before Congress for revision.

Sec. 7. And it is further enacted, That each of the consuls aforesaid, at the port for which he is appointed,

shall be competent, under the authority herein contained, upon facts within his own knowledge, or which has good reason to believe true, or upon complaint made, or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country in which he is at law, and when arrested, to render and try any such offender, and upon conviction to sentence him to punishment in the manner herein prescribed, always subject to punishment in a manner proportionate to the offence, which punishment shall, in all cases, except as herein otherwise provided, be either fine or imprisonment.

Sec. 8. And it is further enacted, That, in all criminal cases which are not of a military character, it shall be lawful for the parties aggrieved, or concerned therein, with the assent of the minister, to adjudge and settle the same among themselves, upon pecuniary or other considerations.

Sec. 9. And it is further enacted, That, in cases when sitting down for the trial of offenses or misdemeanors, shall finely decide all cases when the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days. And there shall be no appeal thereon except as provided in section eleven of this act. But no appeal by a court for a defendant committed in the presence of the court, or failing to obey a summons from the same, shall exceed twenty-four hours for the same contempt.

Sec. 10. And it is further enacted, That, in cases where the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed thirty days, in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment exceeds three months, the defendant may appeal to the minister of the United States, if he fails to meet him, and may take the case before the minister before the trial, or failing to appear, and the hearing having been had, the award, as to the amount of the fine, shall be given to the minister, who, in court, shall open the same; and if he accepts it, he shall discharge the fine, and judgment shall be rendered thereon, and execution issued in compliance with the terms thereof; if不服, however, that the minister may always set the same before return, the same to the court.

Sec. 11. And it is further enacted, That the minister and each of them, at the port for which he is appointed, shall have jurisdiction to decide all cases, and to render a judgment, or a final decision, in all such cases, if the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed thirty days, in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment exceeds three months, the defendant may appeal to the minister, who, in court, shall open the same; and if he accepts it, he shall discharge the fine, and judgment shall be rendered thereon, and execution issued in compliance with the terms thereof; if不服, however, that the minister may always set the same before return, the same to the court.

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services, which shall be paid by such parties, and to such persons, as said minister shall direct; and the expenses shall, as far as necessary, be apportioned to the execution of this act; and regular accounts both of receipts and expenditures shall be kept by the said minister and consul, and transmitted annually to the Secretary of State.

Sec. 18. And it is further enacted, That, in all criminal cases which are not of a military character, it shall be lawful for the parties aggrieved, or concerned therein, with the assent of the minister, to adjudge and settle the same among themselves, upon pecuniary or other considerations.

Sec. 19. And it is further enacted, That, in all the districts of the said minister and consul, to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties, a majority of whom shall have power to decide the matter. And it shall be the duty of the minister in each country to prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the court; and when parties have agreed to refer the disputes to the decision of referees, notice of the time and place of meeting for the trial, process, &c., &c., in case either party desires or needs to appear; and the hearing having been had, the award, as to the amount of the fine, shall be given to the minister, who, in court, shall open the same; and if he accepts it, he shall discharge the fine, and judgment shall be rendered thereon, and execution issued in compliance with the terms thereof; if不服, however, that the minister may always set the same before return, the same to the court.

Sec. 20. And it is further enacted, That the ministers aforesaid and consuls shall be fully authorized to call upon the local authorities to assist and support them, in the execution of the powers delegated to them, by law, treaty, and convention to do and perform whatever is necessary to carry the provisions of said treaties into full effect, so far as they are to be executed in the said countries, respectively.

Sec. 21. And it is further enacted, That the grievances of citizens, so far as the same relate to crimes and offenses committed by citizens of the United States, shall be referred to Turkey, under the treaty with the Sublime Porte of May 18, 1856, and shall be tried in the Ottoman dominions in conformity with the provisions of said treaty, and of this act, by the minister of the United States and the consul of the United States appointed to reside therein, who are invested with the power herein conferred upon the minister and consul in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is referred by the laws of Turkey, or its agents, in its intercourse with the Franks or other foreign Christians.

Sec. 22. And it is further enacted, That the said minister, whom is set in this act, shall be directed to move the person accused, with, and executing, the principal diplomatic functions in such of the countries mentioned in the first section of this act. The word consul shall be understood to mean any person invested by the United States to reside in the said countries, who are invested with the powers herein conferred upon the minister and consul in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is referred by the laws of Turkey, or its agents, in its intercourse with the Franks or other foreign Christians.

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